HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 903 OF 1988.

The State of Maharashtra & Anr. ..Appellants.

Versus.

Vinayak N. Deshpande and ors. ..Respondents.

Shri. K. K. Tated, A.G.P. for the appellants.

CORAM: S.B.MHASE,J.

DATE: JULY 27, 2006.

P.C.

1. This appeal arises from a proceeding under section 18 of the Land Acquisition Act. The land of the respondent was acquired, and being aggrieved by inadequate compensation, Land Acquisition Reference bearing No. 76 of 1982 was filed before the District Court at Solapur. It was decided on 20th September 1987. The said order is under challenge.

2. In this appeal, Respondent No.1 - Vinayak Narayan Deshpande is already dead and his heirs have not been brought on record. Therefore, in view of order dated 13th March 2006, appeal stands abated as against

respondent no.1. The appeal was dismissed as against respondent no.3 since steps to serve respondent no.3 were not taken. Under these circumstances, the whole cause of action abates because acquisition of the land was in respect of the joint property of the respondent nos. 1 to 3 and the proceeding have proceeded as against the respondent nos. 1 to 3 being the joint owners of the property. It is also reported that respondent no.2 is also dead. Therefore, in view of the ratio laid down by this Court in the matter of Govind Laxman Jadhav v/s. Namdeo Balu Jadhav reported in 2004(4) ALL MR 895, total cause of action stands abated. Therefore, appeal is disposed of as abated.

(S.B.MHASE, J.)

:sac/2006/single.